

OCT 21 1997

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)
)
Advanced Television Systems) MM DOCKET NO. 87-268
and their Impact Upon the Existing)
Television Broadcast Service)

TO: The Commission

**PARTIAL OPPOSITION TO
PETITION FOR RECONSIDERATION
OF QUINCY NEWSPAPERS, INC.**

On behalf of Good News Television, Inc., licensee of low power television station WYGN-LP in Berrien Springs, Michigan, we hereby oppose the Petition for Reconsideration filed by Quincy Newspapers, Inc. ("Quincy") on June 13, 1997, and the "Supplement to Petition for Reconsideration" filed by Quincy on August 22, 1997, to the extent that Quincy proposes changing the digital TV ("DTV") allotment of WSJV(TV), Elkhart, Indiana, from Channel 58 to Channel 25.

In the Commission's *Fifth* and *Sixth Reports and Orders* in the captioned proceeding, WSJV was assigned Channel 58 as its DTV allotment. However, Quincy's Petition for Reconsideration of this allotment, which only recently came to the attention of Good News Television, asked the Commission to allot Channel 25 to WSJV as its DTV allotment in lieu of Channel 58. Good News Television has been operating WYGN-LP in Berrien Springs on Channel 25 for more than five years, since June 1992. Because WYGN's transmitter site in Berrien Springs is located only 40.5 km from WSJV's transmitter site in Elkhart, Indiana, Quincy's proposal for DTV Channel 25 in Elkhart would effectively

obliterate WYGN. Yet, Quincy has failed to address the displacement of WYGN that would be required by its proposal, nor has it shown that an equivalent low power TV channel would be available for WYGN.

The Commission has "recognized the benefits that low power stations provide to the public," and stated that it "would attempt to minimize the impact of our DTV allotment and spectrum recovery proposals on low power TV operations." *Sixth Report and Order*, ¶ 114. While many LPTV channels inevitably will face forced displacement or elimination, the Commission should not create a situation that would cause displacement or elimination unnecessarily. This is such a case. The Commission's current DTV allotment proposal for WSJV would leave WYGN intact on Channel 25, thereby preserving the public interest benefits and viewer loyalties that have been established over the past five years. Quincy's proposal to change WSJV's DTV allotment from Channel 58 to Channel 25 would needlessly disrupt those benefits and loyalties.

Additionally, we note that WRTV(TV) in Indianapolis, Indiana was also assigned Channel 25 for its DTV allotment in the *Sixth Report and Order*. The distance between WRTV's transmitter site in Indianapolis and WSJV's transmitter site in Elkhart is only 187 km. FCC Rule § 73.623(d) requires 196.3 km separation between co-channelled DTV UHF allotments in Zone I, where these stations are located. Thus, Quincy's proposal for DTV channel 25 in Elkhart would appear to be short-spaced with the DTV allotment proposed for WRTV in Indianapolis.

Finally, we would also note that there is an NTSC allotment on Channel 26 in Chicago belonging to WCIU-TV. While WSJV's proposal for DTV Channel 25 in Elkhart

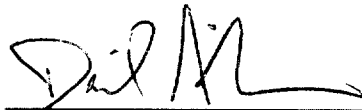
would meet the Commission's minimum separation requirements *vis-a-vis* WCIU, FCC Rule § 73.623(c)(2), states that any requests to amend the DTV Table of Allotments "must demonstrate that there is no increase in the amount of interference caused to any other DTV broadcast station, DTV allotment, or analog TV broadcast station." Quincy should be required to demonstrate that its proposal would not interfere with the operations of WCIU on Channel 26 in Chicago.

In summary, the Commission should deny Quincy's Petition for Reconsideration insofar as it proposes to change WSJV's DTV allotment from Channel 58 to Channel 25 in Elkhart, Indiana, since that proposal would cause needless displacement of WYGN-LP in Berrien Springs. Additionally, that proposal is apparently short-spaced to the DTV allotment for WRTV in Indianapolis and may cause interference to WCIU's NTSC operations on Channel 26 in Chicago.

Respectfully submitted,

GOOD NEWS TELEVISION, INC.

By:



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October 21, 1997

CERTIFICATE OF SERVICE

I, Sharon K. Mathis, a secretary with the law firm of Cole, Raywid & Braverman, L.L.P., do hereby certify that copies of the foregoing "Partial Opposition to Petition for Reconsideration of Quincy Newspapers, Inc." were sent via first class, postage prepaid, United States mail, this 21st day of October 1997, to the following:

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Indianapolis, IN 46202

WCIU(TV)
c/o Weigel Broadcasting Co.
26 North Halsted Street
Chicago, IL 60661-2108



Sharon K. Mathis